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EXAMINER
PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/012,465	TAYLOR, RICHARD	
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed on August 30, 2005.

Response to Arguments

2. Applicant's arguments filed August 30, 2005 have been fully considered but they are not persuasive. Applicant argued that Examiner has not shown that Stuart discloses, suggests or teaches "conducting communication between the first and second devices in accordance with the at least one parameter by passing messages at least **directly** between the devices". Examiner respectfully disagrees with Applicants assertion.

3. Regarding Applicant's arguments, Examiner interpreted the limitation "conducting communication between the first and second devices in accordance with the at least one parameter by passing messages at least directly between the devices", to mean conducting communication between first and second devices without using a mediating server/device. In this sense, Stuart clearly discloses first and second communications units passing messages at least directly between each other in the passage cited by the Examiner, and throughout the disclosure. On page 2, paragraph 17, page 3, paragraph 28, and page 4, paragraph 39, Stuart teaches a method for sending an indication, from a first communication unit, of desired communication services and relevant affiliation information (info, URI, addresses, phone numbers etc., needed to contact the first communications unit from a second communications unit) to

a second communications unit without using a mediating server/device. These teachings were well known in the art at the time of the present invention as establishing a direct connection between the communication units since there was no involvement of a mediation server/device. Service providers involved were only for establishing a connection to a particular type network, (page 4, paragraph 43). Evidence of this well known method for communicating between two devices can be found in newly cited references Cochems, "Privacy Concerns on the Internet or Who's Minding Your Business", 1996 and Planeaux, "The Internet Relay Chat Scholar's Network Operations Manual", 1996, 2000. These references explicitly teach a method called Direct Client to Client (DCC) where clients establish direct connections to other clients, avoid communicating through mediating servers, and utilize providers only for access to a network, (Cochems, page 3, paragraph 5, Planeaux, page 4, section 3). Examiner further submits such well-known teachings were by no means complex as suggested in Applicant's remarks. Also, in giving the claims their broadest reasonable interpretation, as indicated, the teachings of Stuart are clearly pertinent to the present invention as claimed.

4. Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art. Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad

interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 10-26, 33-37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart et al. (hereinafter Stuart), U.S. Patent Pub. No. 2002/0101858.

7. In considering claim 1, Stuart teaches a method of communication between first and second information devices, comprising: initiating communication between the devices by alerting one of the devices to the presence of another, (page 6, paragraph 57); passing at least one message between the devices to provide to the first device the address within an information technology network of the second device, (page 3, paragraph 28); connecting the first device to a proxy entity for the first device, and

passing to the proxy the address within the network of the second device, (page 3, paragraph 28); establishing at least one parameter governing data exchange between the first and second devices, (page 4, paragraphs 33-39); and conducting communication between the first and second devices in accordance with the at least one parameter by passing messages at least directly between the devices, (page 4, paragraph 39).

Although the disclosed method of Stuart shows substantial features of the claimed invention, it fails to expressly disclose: passing messages between a first and second proxy to establish at least one parameter governing data exchange between the first and second devices.

Nevertheless, Stuart does teach: in an alternate embodiment, having the proxy co-located, or being a physical portion of the cellular server, or Internet Service Provider (ISP) servers, (page 6, paragraph 54); and establishing parameters governing data exchange between the first and second devices using service providers in combination, (page 3, paragraph 28).

Thus it would have been obvious to one of ordinary skill in the art to modify the teachings of Stuart to show passing messages between a first and second proxy to establish at least one parameter governing data exchange between the first and second devices. This would have provided an effective and alternate means to facilitating communication between the first and second device, Stuart, page 2, paragraph 17.

8. In considering claim 2, the teachings of Stuart provide a means for passing messages between first and second devices via a first communication link having a first speed of data transmission, and passing messages between first and second proxies via a second communication link having a second speed of data transmission, the second speed being faster than the first speed, (page 3, paragraphs 24-25).

9. In considering claim 3, the teachings of Stuart provide a means for the first communication link having first frequency bandwidth, a second communication link having a second frequency bandwidth which is wider than the first frequency bandwidth, (page 3, paragraphs 24-25).

10. In considering claim 4, Stuart teaches the at least one parameter being in a category of parameter selected from the group consisting of: parameters related to device computing capability; parameters relating to device owner/user information; parameters related to encryption of data, and parameters related to policy data, (page 6, paragraph 60).

11. In considering claim 5, the teachings of Stuart provide a means for passing from at least one of the devices to a proxy a data level rating, indicating the types of data it is permissible to consider in determining the at least one parameter, (page 3, paragraph 28).

12. In considering claim 6, the teachings of Stuart provide a means for establishing parameters governing data exchange between the devices in relation to each type of data specified in the data level rating, (page 3, paragraph 28).

13. In considering claim 7, the teachings of Stuart provide a means for including sending from one proxy to another data relating at least to one of the device's intrinsic capability to process and store data, and wherein at least one parameter determined on the basis of the device's intrinsic processing and storage capability is established, (page 6, paragraph 60).

14. In considering claims 10 and 26, it is implicit in the teachings of Stuart that at least one of the devices (202) is portable and has a battery, (see Fig. 2).

15. In considering claim 11, Stuart teaches at least one of the devices (204) is a device having a fixed location, (page 5, paragraph 48).

16. In considering claim 12, the teachings of Stuart provide a means for both of the devices to be portable and have a battery, (page 2, paragraph 16).

17. In considering claim 13, Stuart teaches communication between a first and second device being wireless communication, (page 2, paragraph 16).

18. In considering claim 14, the teachings of Stuart provide a means for communication between the first and second device being via a Bluetooth communication port, (page 5, paragraph 45).

19. In considering claim 15, the teachings of Stuart provide a means for communication between the first and second device being via an infrared communication port, (page 5, paragraph 48).

20. In considering claim 16, Stuart teaches connection of at least one of the devices to its proxy via a wireless communication link, (see Fig. 2).

21. In considering claim 17, the teachings of Stuart suggest that a GSM card connected to one of the devices provides a wireless communication link, (page 1, paragraph 13).

22. In considering claim 18, the teachings of Stuart provide a means for at least the first device to be portable, and the first proxy to be connected to the first device via a hardwired communication connection, (see Fig. 2).

23. In considering claim 19, the teachings of Stuart provide a means for the first proxy to be portable, (page 6, paragraph 54).

24. In considering claim 20, the teachings of Stuart further provide a means for the first proxy to be provided by a laptop computer, (page 6, paragraph 54).

25. In considering claim 21, the teachings of Stuart provide a means for a connection between a first proxy and a second proxy to be made via a communication connection, which includes a mobile telephone connection, (see Fig. 2).

26. In considering claim 22, Stuart teaches conducting communication between the first and second users in accordance with the at least one parameter using at least the first and second devices including relaying communications received by at least one of the devices to its proxy, (page 4, paragraphs 33-40).

27. In considering claim 23, Stuart further teaches processing, using the proxy, communications received by the at least one device, and sending a message back to the at least one device, (page 4, paragraph 40).

28. In considering claim 24, Stuart teaches a method of wireless communication between first and second information devices, comprising: passing at least a message between the devices via a wireless communication link, the message indicating an address within a network of the first device, (page 3, paragraph 28); exchanging messages with a proxy entity for the second device to determine at least one parameter governing direct communication between the devices using the wireless link, (page 4,

paragraphs 33-39); and conducting direct communication between devices via the wireless link in accordance with the at least one parameter, (page 4, paragraph 39).

Although the disclosed method of Stuart shows substantial features of the claimed invention, it fails to expressly disclose: exchanging messages between a first and second proxy to establish at least one parameter governing data exchange between the first and second devices.

Nevertheless, Stuart does teach: in an alternate embodiment, having the proxy co-located, or being a physical portion of the cellular server, or Internet Service Provider (ISP) servers, (page 6, paragraph 54); and establishing parameters governing data exchange between the first and second devices using service providers in combination, (page 3, paragraph 28).

Thus it would have been obvious to one of ordinary skill in the art to modify the teachings of Stuart to show exchanging messages between a first and second proxy to establish at least one parameter governing data exchange between the first and second devices. This would have provided an effective and alternate means to facilitating communication between the first and second device, Stuart, page 2, paragraph 17.

29. In considering claim 25, Stuart teaches relaying a message received via the wireless link by one of the devices to its proxy, (page 4, paragraphs 33-40).

30. In considering claim 33, Stuart teaches a method of providing a proxy service to an information device in an information technology network, comprising: registering

with a first proxy at least a first information device, including storing at least one parameter related to operative capability of the first information device, (page 4, paragraphs 33-35); sending to the first information device from the first proxy the at least one parameter established during negotiation to be used to conduct direct communication between the first and second information devices, (page 4, paragraph 40).

Although the disclosed method of Stuart shows substantial features of the claimed invention, it fails to expressly disclose: negotiating between a first and second proxy to establish at least one parameter governing data exchange between the first and second devices.

Nevertheless, Stuart does teach: in an alternate embodiment, having the proxy co-located, or being a physical portion of the cellular server, or Internet Service Provider (ISP) servers, (page 6, paragraph 54); and establishing parameters governing data exchange between the first and second devices using service providers in combination, (page 3, paragraph 28).

Thus it would have been obvious to one of ordinary skill in the art to modify the teachings of Stuart to show negotiating between a first and second proxy to establish at least one parameter governing data exchange between the first and second devices. This would have provided an effective and alternate means to facilitating communication between the first and second device, Stuart, page 2, paragraph 17.

31. In considering claim 34, the teachings of Stuart provide a means for the negotiation to take place following receipt of a message from the first information device containing an address within the network of the second proxy, (page 3, paragraph 28).

32. In considering claim 35, the teachings of Stuart provide a means for the negotiation to take place following receipt of a message from the second proxy containing an address within the network of the second proxy, (page 3, paragraph 28).

33. In considering claim 36, Stuart teaches the first information device communicating with the first proxy via a communication link, which is at least party wireless, (see Fig. 2).

34. In considering claim 37, the teachings of Stuart provide a means for negotiation between the first and second proxies including sending from one proxy to another data relating at least to one of the information device's intrinsic capability to process and store data, and wherein the at least one parameter is established on the basis of the device's intrinsic processing and storage capability.

35. Claims 8, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Browning, U.S. Patent 6,707,581.

36. In considering claim 8, although the disclosed method of Stuart shows substantial features of the claimed invention, it fails to expressly disclose: passing messages in the form of XML documents.

Nevertheless, passing messages in the form of XML documents was well known in the art at the time of the present invention as an improvement over HTML. In a similar field of endeavor, Browning teaches: passing messages in the form of XML or HTML documents, (col. 3, lines 58-67).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Stuart to show messages being passed between first and second proxies in the form of XML documents. This would have provided greater flexibility in organizing and presenting information in contrast to the older HTML, as was well known at the time of the present invention.

37. In considering claim 9, the teachings of Stuart provide a means for sending from the first proxy to the second proxy the URL of the first proxy, (page 3, paragraph 28).

38. Claims 27-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Hiltunen et al. (hereinafter Hiltunen), U.S. Patent 6,754,484.

39. In considering claim 27, although the disclosed method of Stuart shows substantial features of the claimed invention, it fails to expressly disclose: a device as a beacon.

Nevertheless, in a similar field of endeavor Hiltunen discloses a beacon device (14) in communication one or more wireless devices (P1, P2), (col. 3, lines 58-67).

Given the teachings of Hiltunen it would have been obvious to a person of ordinary skill in the art to modify the teachings of Stuart with Hiltunen to show the second device as a beacon. This would have enhanced the teachings of Stuart by showing the wireless communication between a first information device and a beacon when the first communication device enters a local geographic operating area defining a region in which the beacon can wirelessly communicate with the first information device, Hiltunen col. 1, lines 48-61.

40. In considering claim 28, Hiltunen teaches a plurality of beacons having different physical location, and messages being exchanged between a device and at least one of the beacons, (col. 2, line 58 through col. 3, line 13). One of ordinary skill in the art would combine the teachings of Stuart with Hiltunen for the same reasons indicated in consideration of claim 27.

41. In considering claim 29, Stuart teaches the at least one parameter including at least one parameter determining policy for content appropriate for the first device, (page 6, paragraph 60).

42. In considering claim 30, the combined teachings of Hiltunen and Stuart provide a means for: moving a first device through a plurality of beacons, (Hiltunen, col. 6, line 59 through col. 7, line26); determining on the basis of which beacon is in communication with the first device, a location of the first device, (Hiltunen, col. 6, line 59 through col. 7, line26); and transmitting content to the first device in accordance with the policy and the location of the first device, (Hiltunen, col. 6, line 59 through col. 7, line26), (Stuart, page 6, paragraph 60).). One of ordinary skill in the art would combine the teachings of Stuart with Hiltunen for the same reasons indicated in consideration of claim 27.

43. In considering claim 31, the combined teachings of Hiltunen and Stuart provide a means for: transmitting between a first device and a beacon, a signal providing an indication of physical proximity to the beacon, (Hiltunen, col. 6, line 59 through col. 7, line26); determining the aforesaid physical proximity, (Hiltunen, col. 6, line 59 through col. 7, line26); and transmitting content to the first device in accordance with the policy and physical proximity, (Hiltunen, col. 6, line 59 through col. 7, line26), (Stuart, page 6, paragraph 60).). One of ordinary skill in the art would combine the teachings of Stuart with Hiltunen for the same reasons indicated in consideration of claim 27.

44. In considering claim 32, Hiltunen further teaches: transmitting between a first device and a beacon, a signal providing an indication of physical proximity to the beacon, (Hiltunen, col. 6, line 59 through col. 7, line26); determining the aforesaid physical proximity, (Hiltunen, col. 6, line 59 through col. 7, line26); wherein content transmitted to the first device is in accordance with the physical proximity, (Hiltunen, col. 6, line 59 through col. 7, line26). One of ordinary skill in the art would combine the teachings of Stuart with Hiltunen for the same reasons indicated in consideration of claim 27.

Conclusion

45. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/04/05

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